

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 KIFA MUHAMMAD,

No. CIV S-02-0006-LKK-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 SAN JOAQUIN COUNTY JAIL,
15 et al.,

Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. On April 7, 2008, the undersigned issued a pre-trial order a copy of which
19 was to be served on plaintiff's place of confinement. Plaintiff's place of confinement was
20 erroneously listed as Salinas Valley State Prison. Plaintiff has notified the court that his place of
21 confinement is the Correctional Training Facility. Accordingly, the Clerk of the Court will be
22 directed to send a copy of the pre-trial order (Doc. 89) as well as a copy of this order to the
23 litigation coordinator at the Correctional Training Facility. All interested parties should also note
24 that the trial confirmation hearing, set for July 14, 2008 in the pre-trial order, has been reset to
25 July 25, 2008, at 11:15 a.m. A separate order and writ of habeas corpus ad testificandum will
26 issue requiring the appearance of plaintiff by video conference at the trial confirmation hearing.

1 In addition, plaintiff has requested the appointment of counsel. The United States
2 Supreme Court has ruled that district courts lack authority to require counsel to represent
3 indigent prisoners in § 1983 cases. Mallard v. United States Dist. Court, 490 U.S. 296, 298
4 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of
5 counsel pursuant to 28 U.S.C. § 1915(e)(1). Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir.
6 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the
7 court does not find the required exceptional circumstances. Plaintiff's request for the
8 appointment of counsel will therefore be denied.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. Plaintiff's request for appointment of counsel (Doc. 93) is denied; and
- 11 2. The Clerk of the Court is directed to send a copy of the pretrial order (Doc.
12 89) and a copy of this order to the litigation coordinator at the Correctional Training Facility,
13 Highway 101 North, P.O. Box 686, Soledad, CA 93960-0686.

14
15 DATED: June 11, 2008

16 
17 **CRAIG M. KELLISON**
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26